

CITY OF ABERDEEN
PLANNING COMMISSION MEETING
MINUTES

Wednesday, April 13, 2011

A meeting of the Aberdeen Planning Commission was called to order at 7:00 p.m., April 13, 2011, in the Council Chambers by Chairman Swisher.

MEMBERS PRESENT: Chairman Swisher, Commissioners Braerman, Heavey, Hersh, Kosko, Preston, and Schlottman.

OTHERS PRESENT: Councilwoman Sandra Landbeck, City Council liaison
Phyllis Grover, Director of Planning & Community
Development
Matt Lapinsky, Director of Public Works (DPW)
Gil Jones, Recording Secretary

The minutes of the February 9, 2011, and February 16, 2011, meetings were approved. The minutes of the March 9, 2011, meeting were approved with minor corrections.

AGENDA ITEMS:

1. 2011 Comprehensive Plan, Land Use Recommendation for Planning Area 13 – Bush Chapel

Representative: Bradley R. Stover, attorney, 11 South Main Street, Bel Air, MD.

Mr. Stover represents the Cornblatt family, owners of certain parcels of land within this Planning Area. He reiterated their desire, as indicated in previous appearances before the Planning Commission, to have the wording of the Comprehensive Plan for Planning Area 13 amended so as to allow for more flexibility in development of that land, should they desire annexation into the City. Mr. Stover indicated that Harford County has recently changed the zoning of this land from residential to commercial. He feels this is a high intensity area, and his client is looking for an amendment to the Comp Plan to reflect this. This would also make possible a zoning designation of Integrated Business District (IBD) in order to allow for greater market flexibility. Mr. Stover stressed that tonight's presentation is strictly for a change to the Comp Plan, not an annexation, concept, or site plan request.

Mr. Swisher asked if Mr. Stover prepared the suggested amendment to Planning Area 13 that was presented to the Planning Commission. Mr. Stover said he had. Mr. Swisher asked if the desire was for IBD zoning. Mr. Stover said the desire is to have the Comp Plan amended so his client can ask for IBD zoning at a later date. The entire area is now designated in the Comp Plan for low and medium residential use. This request would apply just to the portion of Planning Area 13 that lies north of Bush Chapel Road.

Mr. Hersh asked about the acreage of the Planning Area. Mrs. Grover said the area is 649 acres. She also indicated that the Commission should be looking at the text for the Planning Area in its entirety, not just a small part. Mr. Stover said the Cornblatt property is 58 acres, subject to the Zimmerman property, located between the Cornblatt property and Interstate 95. The Cornblatts are working with the Zimmermans to be part of the eventual annexation. Mr. Swisher asked the other members of the Commission if they had been to the site. All indicated they had been.

Mrs. Grover asked the Commission to keep its focus on the Comp Plan's future land use recommendations, not IBD and not the concept plan. Zoning does not become an issue until an annexation petition is submitted. The County's current zoning designations in this area are R-1, R-2, B-3, and GI. In our Comp Plan, this area is planned for 300 equivalent dwelling units (EDUs). These could be residential or commercial EDUs, as reflected in the Comp Plan and the Water Resource Element within the Plan. She feels there are no major issues based on the language of Mr. Stover's proposal.

Mr. Lapinsky made reference to the nearby Hiob property currently under consideration for annexation. The sewer pumping station being considered for that site is being made large enough to also accommodate a potential Cornblatt annexation. He feels the capacity amounts should be manageable.

Mr. Hersh asked Mr. Lapinsky to clarify if the County would still handle water and sewer for this area, even if annexed into the City. Mr. Lapinsky said this area is currently under the County service area. However, with the Hiob property potentially coming on, an agreement was made with the County that, in the event of such an annexation, City water and sewer would service both the Hiob and Cornblatt properties. Mrs. Heavey asked if the City would be required to provide water and sewer even if the property were not annexed. Mr. Lapinsky said the City would not be providing any new water or sewer service for anyone outside the City limits.

Mrs. Heavey said she would prefer to leave the Planning Area wording as is, for residential land use. She indicated that during the County's recent rezoning the citizens in this area expressed this desire as well.

Mrs. Kosko asked that if the Commission agreed to the change, would an increase to the number of EDUs also be considered, and would Table 3-1 of the Comp Plan need to also be changed. Mrs. Grover said yes to both questions, that commercial considerations would have to be added to the chart as well. Mr. Lapinsky said 75,000 gallons of water per day (300 EDUs x 250 gallons) equals 833,000 square feet of office space. The EDUs for the Hiob property would be an equivalent of about 400,000 square feet of office space. He said they are looking for the most extensive use for the proposed pumping station. Mrs. Kosko felt the wording should not be changed and expressed concern at going down Bush Chapel Road and seeing office buildings, feeling that such a thing would be out of place.

Ms. Preston concurred with the views of Mrs. Heavey and Mrs. Kosko.

Mr. Braerman felt that since the Commission has approved numerous office buildings of late, this area should remain residential.

Mr. Schlottman indicated his water and sewer questions had been answered, but felt that if a change were made, traffic would be a question. He also asked if a residential component would be considered in this area. Mr. Stover felt that traffic would be a question no matter what the use. The IBD would allow for a mix of commercial and residential uses. Mr. Schlottman felt that if this were left as residential, it could sit vacant for quite some time waiting for residential use. He was against this Planning Area change at first, but not so much now.

Mr. Hersh agreed with Mr. Schlottman, that this area is not currently marketable for residential use, and no one is “knocking down the door” to build houses in Aberdeen. A change would allow for more flexibility; traffic is more of a planning issue.

Mr. Braerman wondered about how much office space is needed in Aberdeen. He cited the Commission’s recent approval of several office buildings at Aberdeen Corporate Park (ACP) and Fieldside Commons, the “falling through” of restaurants at ACP and the previously proposed retail project at Fieldside. Mr. Braerman also alluded to the periodic consolidations and cutbacks in Federal spending as they relate to the military. Mr. Hersh felt we should not limit ourselves, that this possible consolidation may help Aberdeen, as there is already a lot of money being spent here for elements on Aberdeen Proving Ground.

Mrs. Kosko reviewed the language for Planning Area 13. The proposed change would allow a mix of uses with increased density. She would not go along with the totality of the suggested changes, but may go along with some re-writing. She also expressed the possibility of a more favorable response if the higher density were in greater proximity to existing City development and cited the IBD specifications regarding minimum area. She indicated the Comp Plan is not just for the benefit of developers and property owners, but also for the overall good of the City.

Mr. Schlottman felt part of the Commission’s charge is to look to ultimate uses of an area. He opined that financial uses are a by-product of annexation, and that we should take advantage of the opportunity presented in this area or the County probably would.

Ms. Preston asked what input was originally used to determine that this area should be residential. Mr. Hersh asked why this area wouldn’t be consistent with the County’s land use. Mr. Schlottman said the Commission originally looked at this area as one being attractive to housing. Mrs. Heavey indicated previous County and City plans were in agreement. Mrs. Grover indicated the last two Comp Plans envisioned this as low to medium density residential. Mr. Swisher said the Commission reviewed, overall for the City, the full spectrum of housing opportunities and sought to concentrate business and industrial uses.

Mrs. Grover reviewed Table 3-1 and the recommended future uses and land currently available within the City. The theme for the majority of the Planning Areas is low to medium density residential, with some commercial uses in various areas.

Mrs. Kosko reviewed Table 2-4 showing commercial projects currently in the pipeline. She felt there were quite a few office projects in process. Mr. Stover said the area bounded by I-95, Route 40, and Route 543 had around 1,700 residential units underway or planned. Mrs. Kosko countered that these were all outside the City limits. Mr. Stover conceded this was true, except for the proposed Hiob property.

Mr. Swisher indicated that when the current Comp Plan update was started, things weren't as they are now. He feels the area in question is underutilized, and that it has some needs from a planning and zoning standpoint, including the protection of the adjacent homes with buffers, better roads, and a need to go through the Zimmerman property to connect to Northeast Road. Basically, a total plan is needed for that area regardless of what goes there.

Mr. Swisher feels there is some degree of commonality with the Battelle campus across I-95. He would add a sentence to the Planning Area language speaking to consideration of B-2 and B-3 zoning, buffers, and a good road network. He has some feel for what's coming to the area in regards to BRAC, but is not sure what is "enough" office space. He doesn't like the language of Mr. Stover's write-up, but is willing to consider flexibility for that area.

Mr. Braerman feels there are a lot of people on the fence with this, but don't agree with the proposed language. He feels the Commission might go along with a re-write. Mr. Stover said he tried to mimic the language from Planning Area 11 and incorporate some buffer concepts. He doesn't feel the language is important as long as the result is greater flexibility for his client. Mr. Swisher feels language is needed that speaks to the area north of Bush Chapel Road. Mr. Stover said the County's plan for higher intensity development does speak to the specific area north of Bush Chapel Road.

The Chairman went around the dais for a final set of comments.

Mr. Hersh feels the need to focus on land use and flexibility. The City will still have control over what the owner can and can't do in this area when they come forward with a plan.

Mrs. Heavey indicated the City has recently converted a residential area to a business park and has rezoned several acres of land near the Proving Ground to commercial. She doesn't want to see the whole City paved over, that parks and recreation are also needed.

Mrs. Kosko had no additional comments.

Ms. Preston feels the language needs to be condensed. Any potential projects can be evaluated if they come in front of the Commission. She is fine with changing the language.

Mr. Braerman said he prefers residential in this area, but is okay with language providing flexibility.

Mr. Schlottman said he would still like to see residential and retail, but realizes in the current times and economy we have to be flexible.

Councilwoman Landbeck said the current vision of the City is commercial since the opportunities are now here for such things as office buildings, and that the opportunity will always be there for residential development.

Mr. Swisher reiterated that a road network, buffers, and a compatible plan for this area are very important. He feels we should take what we have and add a sentence for office and business use for the area north of Bush Chapel Road. In the last couple of years there has been a lot of pressure on the City to expand, especially in the area of office development. He suggested a

couple of members meet with Mrs. Grover to come up with a sentence or two addressing the issue of this Planning Area.

Mrs. Grover came up with some amended language that she read to the Commission. Mr. Swisher felt something should be in there about the area north of Bush Chapel Road and bordering I-95. Mrs. Grover pointed out the need to move forward with approval of the updated Comp Plan itself and that Table 3-1 would also need to be changed. Mrs. Grover read a suggested amended paragraph for Planning Area 13, to wit:

“This Planning Area is a priority area recommended for future growth for the City. The Bush Chapel Planning Area is planned for potential office, research, and educational uses for the area bordering Interstate 95 north of Bush Chapel Road. Low and medium-density residential uses are planned for the balance of the Area. A buffer area should be provided as a transition between all planned office, research, and educational uses and the planned and existing residential uses. Site planning will require incorporation of design strategies to preserve natural drainage ways and non-tidal wetlands. Creative approaches to these issues are encouraged. Preservation of established tree cover is required to provide additional screening and buffer planting between the areas planned for office, research, and educational uses, and both surrounding the existing residential neighborhoods and planned residential uses.”

The consensus of the Commission was that they could live with this language. Mrs. Heavey would like to leave the current wording alone and consider this issue at a later time.

Motion by Mr. Schlottman, seconded by Mrs. Kosko, to approve a minor language change to Planning Area 13 of the draft Comp Plan, to speak to the area north of Bush Chapel Road and south of I-95. Motion passed, 6-1 (Mrs. Heavey voting against).

2. Review and approve Planning Commission Resolution adopting the 2011 Comprehensive Plan

As a follow-up to the previous business item, the Chairman advanced the question of Comp Plan approval to this point in the meeting.

Mrs. Kosko suggested removing the technical portions of Chapter 10 - Water Resource Element and creating a separate document apart from the Comp Plan itself. She felt this could be done per the language in the Water Resource Element Guide provided by the State, that an analysis plan could be done and then referenced within the Water Resource Element of the Plan. She also suggested removing many of the tables in Chapter 10 that support the technical part in order to be consistent with the Guide and because they seem unnecessary to the common usage of the Plan. Mrs. Grover felt this could not be done, as the complete document has been sent to, reviewed, and approved by the Maryland Department of the Environment (MDE), Maryland Department of Planning, and Harford County. Mrs. Grover expressed sympathy for Mrs. Kosko's point, but felt there could be a problem for the City if the document were to be taken apart now.

Motion by Mr. Hersh, seconded by Ms. Preston, to approve the Resolution approving the 2011 Comprehensive Plan and send it to the Mayor and City Council, incorporating the

changes made in the language to Planning Area 13 and the associated charts and tables. Motion passed unanimously.

At this point, the Chairman called for a 5-minute break.

3. Review of Annexation Petition for Dumas LLC

Location: 1109 South Philadelphia Boulevard (Map 58, Parcels 186 and 223), a total of 2.274 acres.

Representative: Bradley R. Stover, attorney, 11 South Main Street, Bel Air, MD.

Mr. Stover reviewed the history of this petition, having been before the Commission in September and October of last year. The property in question currently houses the Cavalier Motel. The annexation petition was approved by the Commission in September 2010, subject to comments at that time. The petition was amended to clarify zoning and provide that County water and City sewer would service the property. At the October 2010 meeting, Mr. Lapinsky raised a concern over this dual service arrangement, specifically the inability of the City to shut off the applicant's water if the City sewer bill is not paid. Mr. Stover indicated he had done some research of State law (Environmental Article) that indicates the City could have the County shut off water service if the City's sewer bill isn't paid. Mr. Stover said he had also spoken with Jackie Ludwig at the Harford County Department of Public Works, who said the County would be willing to enter into such a cut-off agreement with the City. A copy of this agreement was formulated by the County and is currently being vetted by the City. His client requires and requests, from a procedural standpoint, Planning Commission review and approval, and approval by the City's DPW. They also have to provide an annexation plan per State law showing how the utilities are to be extended to the property. Mr. Stover asks that they be able to introduce an annexation plan to the City Council.

Mr. Lapinsky advised the Commission there are still a couple of small internal issues to be straightened out between Aberdeen DPW and the City's Finance Department.

Mr. Hersh had concerns over the financial burden to the City if the bills weren't paid, but these have been addressed to his satisfaction.

Mrs. Heavey asked why the City is not providing water service to this property. Mr. Lapinsky stated this particular area does not come under the City's water service area. Mrs. Heavey feels this is not consistent with the City Code requiring a City hookup to all annexed areas. Mr. Lapinsky said the Water and Sewer Master Plan, entered into by the Cities of Aberdeen and Havre de Grace, the Town of Bel Air, and the County, has this area under County water service and Aberdeen sewer service. This water and sewer plan is the guiding document. Mrs. Heavey felt this could be changed (referencing the Bush Chapel area), that's it's a little inconsistent.

Motion by Mr. Schlottman, seconded by Mr. Hersh, that the amended annexation petition be approved, subject to the approval of the water agreement between the City of Aberdeen and Harford County, and with a zoning of B-3, Highway Commercial District. Motion passed unanimously.

4. Review Preliminary Site Plan for Royal Farms Store

Location: Corner of Old Philadelphia Road & Maryland Route 715.

Representative: Eric McWilliams, Bohler Engineering.

Mrs. Grover updated the Commission on progress with the wellhead protection area. The staff met with MDE on amending our wellhead protection areas. MDE said it will not get involved in this issue, other than for technical assistance, that it's between the City and County to work out. A meeting was held between the City and the County's Law, Planning and Zoning, and Public Works Departments on amending the wellhead protection area. There remain questions on the City's end, such as whether to establish a new Zone 3 or expand our current Zone 2. A meeting was held with the County and Royal Farms on technical aspects of how Royal Farms constructs their underground storage tanks and that their procedures exceed MDE requirements. The City is still looking at where it's going to go on this issue. The plan being presented tonight is outside of the City's wellhead protection areas. It is, however, in the County's Perryman wellhead protection area.

Mr. McWilliams said there is no change to the previous plan. He referred to the effects of the State Highway Administration (SHA) purchase and Warfield property on the original plan, but there is no real change in design. The use is a gas station with a car wash featuring a reclamation tank, so that 10 to 20 gallons of water would be used per wash. The entrance off Old Philadelphia Road has been reviewed by the SHA and they have no issues.

Mrs. Grover referred to the residential uses along Newton Road and asked if the project meets the buffer yard requirement of 50 feet from a residential use (the carwash being the closest point to the residences). Mr. McWilliams stated this issue hasn't come up before, but the car wash is 53.5 feet from the residences. A hedgerow and street trees have also been added to that side. Mrs. Grover asked about loading spaces. Mr. McWilliams said small box-type trucks would be used for general delivery and could pull into a parking space. The gas tankers would unload by the storage tanks; those spaces are designated in that area. Mrs. Grover said the handicapped parking appears to be further away from the main entrance to the store than it should be. Mr. McWilliams pointed up the location of the spots in question. Mrs. Grover asked if Lot 1 and the Warfield property have been acquired. Mr. McWilliams said both are currently under contract.

Mr. Lapinsky asked if Newton Road is to be improved in totality for this part of the project, all the way back to the cul-de-sac. Mr. McWilliams said the developer of Aberdeen Xchange would improve the road. Mr. Lapinsky asked if the Public Works Agreement would therefore include all of the improvements and water and sewer for Newton Road as part of this project. Mr. McWilliams said yes.

Mr. Lapinsky read into the record the comments that had been sent to Mr. McWilliams, to wit: Owners need to sign the plan; Provide details of water usage in note #16 (size of store and car wash, and multiplier of the actual Royal Farms store you are comparing this with); Provide current water usage signed and sealed by the engineer; Please show and label Harford County Wellhead Protection Area or note that the entire site is within it; Provide current Harford County comments; Show and label all wetlands on-site or note there are no wetlands within this site; Provide current SHA comments and note that will comply with the SHA project; Show and label the car wash service connection; Provide ownership information contiguous to this site; Show and label SWM easements; Provide rights-of-way for the entire Newton Road frontage

(including metes and bounds) of this property; and add the following note - "This project will participate in the City's Inflow and Infiltration (I&I) Program by treating I&I equal to the projected sewer flows generated by this project." Mr. McWilliams said he had no issue with these items.

Mr. Hersh asked for clarification of the point that this is in a wellhead protection area, that the County is not in favor of the project, and that it's in the County's wellhead protection area, but not in the City's. Mr. Lapinsky said this proposed facility is totally within the County's wellhead protection area. There is currently no agreement to honor each other's wellhead protection areas, although the County has requested there be such an agreement, and the City and County are currently working on one. If an agreement between the City and County were reached in this regard, then the property owner, at this point, would be proceeding at his own risk. Mrs. Grover confirmed this is not in the City's wellhead protection area.

Mr. Hersh asked if there were any data on issues with gas stations built within the wellhead protection area. Mr. Lapinsky said there are currently 3 stations in, or adjacent to, the City's wellhead protection area and all are dealing with issues. The most notable of these is the 7-11 on South Philadelphia Boulevard, which has impacted our well field with MTBE, benzene, and some instances of toluene.

Mr. Hersh asked what environmental safety issues would be undertaken to protect the public at the proposed Royal Farms location. Messrs. McWilliams and Lapinsky engaged in a colloquy concerning issues at the 7-11. Mr. McWilliams said the Royal Farms site would have a double-lined fiberglass tank instead of a steel tank, which has a tendency to rust, and containment sumps with monitoring devices that sound an alarm in the store, as well as at Royal Farms headquarters. There is also a double-walled "pipe-in-pipe" system – leaked gasoline would go back into the secondary pipe, then into the sump, thereby triggering the alarm. Mr. Lapinsky asked if this was above and beyond current MDE requirements. Mr. McWilliams said this is MDE's current requirement. Mr. Lapinsky asked if this is exactly what current MDE requirements are. Mr. McWilliams said this system has three levels of alarms, whereas MDE requires one. Mr. Hersh asked if Mr. McWilliams had experience with development featuring these kinds of devices in a wellhead protection area. Mr. McWilliams said he did not, but Royal Farms has.

Mrs. Kosko referenced an item in the Planning Commission meeting minutes of February 9, 2011. She indicated she never heard about the meetings she was supposed to be involved in with the County regarding this issue. Mrs. Grover suggested that Mr. Swisher send an e-mail to the City Manager, as she, Mrs. Grover, does not set those meetings up. Mrs. Kosko indicated she had no comment on the plan.

Ms. Preston referenced an item in the Planning Commission meeting minutes of February 9, 2011 referencing Mr. Lapinsky's comments on the wellhead protection area and the need to cooperate with the County since we are receiving water from them. Ms. Preston asked Mr. Lapinsky if he had changed his mind on this issue. Mr. Lapinsky indicated the City is slated to get 650,000 gallons of our potential 2,000,000 gallons per day of water from the County. He agrees with his February 9 comments. Mrs. Grover said the City has not moved forward to make any amendments to its wellhead protection areas. Property owners within the wellhead protection area would have to be notified, and there would be significant changes to uses in this area if we take into account what the County wants us to do. She feels there is no easy fix, but we need to

move forward with whatever we decide to do. Mr. Lapinsky indicated the County uses one zone in this area. Mrs. Grover added that the County also uses different times of travel than the City does. Mr. McWilliams said the soils are significantly different. Mr. Lapinsky said all of the soils are sandy, so travel mobility is high.

Mr. Braerman asked if gas stations are not allowed in a wellhead protection area. Mr. McWilliams said the City's Wellhead Protection Zone 2 allows gas stations. Discussion ensued over the City and County wellhead protection areas and allowances and prohibitions in each. Mr. Braerman felt we are playing with someone's water supply.

Mr. Schlottman reiterated that the owner proceeds at his own risk. He referred to the Jacksonville gasoline leak still being fought over after several years. He asked Mr. Lapinsky why the owner would proceed at his own risk if there were no risk. Mr. Lapinsky said that if in the middle of this process the City enters into an agreement with the County that this is a prohibited use, then there's the risk. He feels that until a vested right is in place, there's a risk to the owner to proceed.

Councilwoman Landbeck said the County has no authority to compel the City to enforce their (the County's) laws, however, since we get water from them, we should cooperate. She indicated the City Manager said a third zone would be created in the City's wellhead protection area that would allow a gas station, but with all sorts of conditions of containment. A third zone of our own will eventually be created, probably some time this summer. Mr. Schlottman felt this would set a precedent, as we've typically followed the County's guidelines concerning zoning and regulations. Councilwoman Landbeck disagreed, that we don't always follow the County's lead.

Mr. Swisher feels this is a sticky question, as we are working with two different wellhead protection standards. He is not convinced on either standard, but we have to work with the County in coming years if we wish to expand. He feels the City is in a partnership with the County, but not with Royal Farms. Mr. McWilliams countered that we are in partnership, since Royal Farms pays taxes here.

Mr. Hersh asked Councilwoman Landbeck if our Zone 3 would be created this summer and if the City would honor the County's wellhead protection regulations for their Zone 3. Councilwoman Landbeck said where the County's wellhead protection area overlaps into the City, we will create our own Zone 3 with our own regulations, not necessarily those of the County. Messrs. Braerman and Schlottman felt such an action would not make sense if you don't adopt the County's regulations. Mr. Lapinsky said the lines of travel are based on science. Mr. Braerman asked if data were available. Mr. Lapinsky said it is, that he can show data from the 7-11 that showed the phaeton transport of MTBE, benzene, and toluene to our well field. Additional discussion ensued on models, lines, and data on water movement.

Motion by Mr. Braerman, seconded by Mrs. Heavey, that the preliminary site plan be disapproved. The Recording Secretary advised the Commission members that, as the motion was stated, a "yes" vote would equate to a rejection of the site plan. **Motion passed unanimously.**

5. Other Business

Mr. Swisher received a request to have Councilwoman Landbeck speak at the end of each Planning Commission meeting. Councilwoman Landbeck indicated that as a result of comments at the April 11, 2011, City Council meeting, especially as related to the proposed annexations of the Aberdeen Technology Center (ATC) and the Bosworth (aka Hiob) property, it might be a good idea to convey information back to the Commission relating to the Council's action on items sent to it by the Commission.

The Council approved the revised site plan for the Aberdeen Corporate Park. Councilwoman Landbeck reviewed the steps regarding an initial annexation action that is approved by the Commission and passed to the Council for consideration. She emphasized the process and that the final action doesn't take place in one night. In addition, annexation agreements can take a long time to formulate. It appears the resolutions for both ATC and Bosworth will come up in May, although the docket can be very fluid. The Comp Plan is on the docket for May 9. Annexation resolutions are available from Mrs. Grover in an electronic format. Annexation agreements are done in closed session, so they are not available until completed and signed.

Mrs. Grover reminded everyone that when an annexation recommendation leaves the Planning Commission and is sent to the City Council for consideration, the annexation might take years. The policies and procedures are followed as adopted by the City Council and called for in the City Code. Annexation plans and the process chart are available electronically from Mrs. Grover.

Councilwoman Landbeck said the Council would consider, at its next work session this coming Monday, the public comments made on the two aforementioned annexations. The City is also looking at tax abatement for commercial buildings that are LEED certified and stay that way.

Mr. Swisher requested that in the event the Council does not approve an item passed by the Commission, the Commission be informed as to why it didn't pass. Councilwoman Landbeck said she is not aware of instances where the Commission's recommendation has been rejected, but if it happens she'll let the Commission know why.

Mr. Lapinsky pointed out the model home at Eagles Rest is completed and 2 homes have been sold. The Fields at Rock Glenn is also close to starting construction, with Dixie Construction working on the first 45 pad sites.

There being no further business or public comment, the meeting was adjourned at 9:20 p.m.

Planning Commission Chairman

Recording Secretary

Date of Approval